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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BOCHNA, DAVID	

ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/633,294	POAST ET AL.	
	Examiner	Art Unit	
	David E. Bochna	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6,16 and 18-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,16,18-21,23 and 24* is/are rejected.

7)☒ Claim(s) *22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Demler, Sr.

In regard to claim 1, Demler, Sr. discloses (see fig. 7) a tubular fitting receivable by an opening in a work piece, comprising:

a ring portion 4 having an outer circumference and an inner circumference, the outer circumference being closely receivable by the opening in the work piece;

at least a first coupling member (projection under 2' extending from 4) having at least a minimum inner circumference, an outer envelope, and an end section the coupling member extending axially from the ring portion, the minimum inner circumference being larger than the inner circumference of the ring portion, the outer envelope sized to be moved through the opening in the work piece, and the end section configured to be engageable with another device 31; and the ring portion being radially expandable (the connector 1' is made out of metal, which is an expandable material) where the amount of expansion is sufficient to establish a secure interference fit between the outer circumference of the ring portion mid the opening in the work piece.

In regard to claim 2, wherein the ring portion includes a radial flange (there are two radial flanges on 4) located adjacent to the work piece when the outer circumference of the ring portion is within the opening in the work piece.

In regard to claim 3, comprising a radially opening girth groove (groove created by 8 and the flange on 4 in which 2' fits) located near the end section of the coupling member.

In regard to claim 4, comprising a second coupling member projecting axially from the ring portion and loaded on an opposing side of the work piece from the first coupling member.

In regard to claim 6, each coupling member has a radially opening girth groove.

In regard to claim 16, Demler, Sr. discloses a fitting, the fitting comprising:

a ring portion 4 having an outer circumference and an inner circumference, the outer circumference being closely receivable by the opening in the work piece, the ring portion being radially expandable where the amount of expansion is sufficient to establish a secure interference fit between the outer circumference of the ring portion and the opening in the work piece; and

at least one coupling member (axially extending projection under 2') having at least a minimum inner circumference, an outer envelope, and an end section, the coupling member extending axially from the ring portion, the minimum inner circumference being larger than the inner circumference of the ring portion, the outer envelope sized to be moved through the opening in the work piece, and the end section is configured to couple with at least one other device 31.

In regard to claim 18, the one other device 31 is a piece of conduit coupled with the end section of the coupling member.

3. Claims 19-21 and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson.

In regard to claim 19, Robertson discloses a fitting assembly for bridging an opening in a work piece (either b or d could be considered the work piece), the assembly comprising:

a fitting c having a ring portion a1 and at least one coupling section f, the ring portion having an outer circumference and an inner circumference. the outer circumference being closely receivable by the opening in the work piece. the ring portion being radially expandable where the amount of expansion is sufficient to establish a secure interference fit between the outer circumference of the ring portion and the opening in the work piece, the at least one coupling section having at least a minimum inner circumference, an outer envelope, and a first portion, the coupling member extending axially from the ring portion, the minimum inner circumference being larger than the inner circumference of the ring portion (see fig. 8), the outer envelope sized to be moved through the opening in the work piece and,

a first member b having an inner passage and a first segment (part of b overlapping with c), the inner passage in fluid communication with the fitting when the first segment is coupled with the first portion of the at least one coupling section.

In regard to claim 20, Robertson discloses a method for routing a conduit through an opening in a work piece, the method comprising:

inserting a first portion f of a fitting into the opening in the work piece d, the first portion of the fitting having an outer envelope sufficiently sized to be received by the opening, the fitting further having a ring portion a1 positioned in the opening of the work piece, the ring portion connected with the first portion where the first portion extends axially from the ring portion, the ring portion having an outer circumference sized to fit tightly within the opening of the work piece;

inserting a mandrel e through the fitting located in the work piece, the ring portion

of the fitting having an inner circumference sized to be radially expandable by an increased circumference section of the mandrel, the first portion of the fitting having an inner circumference sized to be slightly larger than the increased circumference section of the mandrel; and

expanding the ring portion of the fitting in an outwardly radial direction as the mandrel is forced through the inner circumference of the ring portion.

In regard to claim 21, further comprising:

cold working the material d in the work piece adjacently located to the outer circumference of the ring portion of the fitting (see page 1, col. 1, lines 53-54).

In regard to claim 23, wherein the first segment (overlapping section of b) is coupled with the first portion f of the at least one coupling section with a clamp e (see fig. 1).

In regard to claim 24, the first segment of the first member and the first portion of the at least one coupling section are configured with grooves (see fig. 2 where grooves are formed in both f and b) to receive seals (this is an intended use phrase and carries little patentable weight as long as the prior art is capable of the intended use, in this case the grooves in f and b are capable of receiving seals).

4. Claims 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuda et al.

In regard to claim 20, Tsuda et al. discloses a method for routing a conduit through an opening in a work piece, the method comprising:

inserting a first portion (length A in fig. 2a) of a fitting into the opening in the work piece 15, the first portion of the fitting having an outer envelope sufficiently sized to be received by the opening, the fitting further having a ring portion 13 positioned in the opening of the work piece, the ring

portion connected with the first portion where the first portion extends axially from the ring portion, the ring portion having an outer circumference sized to fit tightly within the opening of the work piece;

inserting a mandrel through the fitting located in the work piece, the ring portion of the fitting having an inner circumference sized to be radially expandable by an increased circumference section of the mandrel, the first portion of the fitting having an inner circumference sized to be slightly larger than the increased circumference section of the mandrel; and

expanding the ring portion of the fitting in an outwardly radial direction as the mandrel is forced through the inner circumference of the ring portion.

In regard to claim 21, further comprising:

cold working the material in the work piece adjacently located to the outer circumference of the ring portion of the fitting (see fig. 3b where 14 bulges pipe 15a outward).

Allowable Subject Matter

5. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4, 6, 16, 18-21 and 23-24 have been considered but are not persuasive.

In regard to Demler, Applicant argues that Demler does not disclose a ring portion with an outer circumference being closely receivable by the opening in the work piece, the coupling member extending axially from the ring portion, the outer envelope sized to be moved through

the opening in the workpiece and the ring portion being radially expandable where the amount of expansion is sufficient to establish a secure interference fit between the outer circumference of the ring portion and the opening in the work piece. Demler discloses the coupling member (extension under 2') extending axially from the ring portion 4. As to all of the other limitations, these are intended used limitations, as only the tubular fitting is being positively recited and not the combination of the tubular fitting and the work piece. The tubular fitting of Demler could be received in a work piece with a hole and could be expanded to be secured within that work piece. However, because the work piece is not positively recited in the claim, Demler does not have to disclose the intended use limitations relating to the work piece. As long as Demler discloses a tubular fitting that could possibly satisfy the intended use limitations, Demler anticipates the claim.

The purpose of Demler's invention is irrelevant, as Demler contains all of the structural limitations recited in the claims, as explained in the prior art rejection above.

In regard to Robertson, again only the fitting is being claimed for the purpose of "bridging an opening in a work piece". The fitting of Robertson is capable of bridging and expanding into an opening in a work piece with the correctly sized hole. Robertson does disclose the fitting C being tightly placed in both tube b and wall d, either of which could be considered the work piece.

Applicant argues that Robertson does not disclose the coupling section extending axially from the ring portion. The Examiner would like to direct the Applicant to fig. 10. of Robertson where a ring a1 is shown and a coupling section (top f2) that is spaced an axial distance from the ring portion a1.

In regard to Tsuda, the ring portion 13 is connected with the first portion 14 and the first portion extends axially from the ring portion.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. Bochna
Primary Examiner
Art Unit 3679